

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

11 HECTOR SANCHEZ LEYVA,) NO. Civ. S-05-0031 FCD GGH P
12)
12 Petitioner,)
13) **ORDER TO REMOVE MATERIAL FROM**
13 v.) **COURT FILE**
14)
14 ROBERT AYERS, Warden, et al.,)
15)
15 Respondents.)
16)

17 Petitioner's counsel requests removal of a document marked
18 "Attorney-Client Correspondence," and the attachment thereto, submitted
19 to the court by petitioner himself. Although petitioner's counsel
20 contends that petitioner did not waive the attorney-client privilege by
21 filing the correspondence in this case before the court because his doing
22 somehow did not constitute a knowing and informed waiver, the court need
23 not rule on this ground for the request. Petitioner's counsel also
24 invokes the work product doctrine, the protections of which are more
25 plainly applicable in this context.

1 Therefore, pursuant to the request of petitioner's counsel, the
2 Clerk is directed to remove from the court file the three-page letter
3 dated July 20, 2005 from David Porter to Hector Sanchez Leyva and the
4 two-page attachment thereto, both of which are attached to Mr. Leyva's
5 August 1, 2005 letter to the Court (docketed as filed on August 9, 2005),
6 comprising the last five pages contained in docket entry #26.

7 IT IS SO ORDERED.

8 || Dated: 8/30/05

/s/ Gregory G. Hollows

Honorable GREGORY G. HOLLOW
United States Magistrate Judge

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